

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUAN DUARTE and BETSY DUARTE, On
Behalf of Themselves and all Others Similarly
Situated,

Plaintiffs,

v.

UNITED STATES METALS REFINING
COMPANY, ET AL.,

Defendants.

Civ. No. 2:17-cv-01624-ES-SCM

**DECLARATION OF STEVEN J.
GERMAN**

I, **STEVEN J. GERMAN**, an attorney duly admitted to practice before this Court, do hereby declare as follows:

I am an attorney at law of the State of New Jersey and am a Partner in the firm of German Rubenstein LLP, attorneys for Plaintiffs JUAN DUARTE and BETSY DUARTE, On Behalf of Themselves and all Others Similarly Situated, in the above-captioned matter. I respectfully submit this Declaration in Support Plaintiffs' Memorandum in Opposition to Defendants' Combined Motion To Exclude Plaintiffs' Experts.

1. Annexed hereto as "Exhibit 1" is a true and correct copy of the Transcript (excerpts) of the F.R.C.P. 30(b)(6) Deposition of Defendants United States Metals, *et al.* (J. Brunner), June 6-7, 2018, in this case.

2. Annexed hereto as "Exhibit 2" is a true and correct copy of Deposition (excerpts) of Defendants' Expert Ranjit Machado, August 22, 2019, produced in this case.

3. Annexed hereto as "Exhibit 3" is a true and correct copy of the Amended Expert

Report of David Sullivan ("Air Deposition Analysis Related to USMR Smelter Operations in the City of Carteret, New Jersey") dated June 28, 2019, in this case.

4. Annexed hereto as "Exhibit 4" is a true and correct copy of the Expert Report of Anita Singh, Ph.D., dated May 6, 2019 in this case.

5. Annexed hereto as "Exhibit 5" is a true and correct copy of the *Curriculum Vitae* of George C. Flowers, Ph.D., P.G., dated May 6, 2019 in this case.

6. Annexed hereto as "Exhibit 6" is a true and correct copy of Deposition (excerpts) of Defendants' Expert A.J. Gravel, April 10, 2019, produced in this case.

7. Annexed hereto as "Exhibit 7" is a true and correct copy of an article entitled "THE COPPER CONTENT OF LONG ISLAND SOILS IN RELATION TO TUBER ROT OF POTATOES CAUSED BY Phytophthora infestans (Mont.) deBary," undated, produced in this case.

8. Annexed hereto as "Exhibit 8" is a true and correct copy of Borough of Carteret "Official Map 1934," produced in this case.

9. Annexed hereto as "Exhibit 9" is a true and correct copy of Deposition (excerpts) of Plaintiffs' Expert Anita Singh, Ph.D., June 5, 2019, produced in this case.

10. Annexed hereto as "Exhibit 10" is a true and correct copy of graph depicting "Copper in Soil with Distance from Smelter" based on Defendants' expert's data in this case, undated.

11. Annexed hereto as "Exhibit 11" is a true and correct copy of graph depicting "Lead in Soil with Distance from Smelter" based on Defendants' expert's data in this case, undated.

12. Annexed hereto as "Exhibit 12" is a true and correct copy of graph

depicting "Arsenic in Soil with Distance from Smelter" based on Defendants' expert's data in this case, undated.

13. Annexed hereto as "Exhibit 13" is a true and correct copy of Deposition (excerpts) of Defendants' Expert W. Hall, September 12, 2019, produced in this case.

14. Annexed hereto as "Exhibit 14" is a true and correct copy of Deposition (excerpts) of Defendants' Expert A.J. Gravel, July 30, 2019, produced in this case.

15. Annexed hereto as "Exhibit 15" is a true and correct copy of Deposition (excerpts) of Defendants' Expert S. Mattingly, September 4, 2019, produced in this case.

16. Annexed hereto as "Exhibit 16" is a true and correct copy of handwritten notes from Deposition of Defendants' Expert S. Mattingly, September 4, 2019, produced in this case.

17. Annexed hereto as "Exhibit 17" is a true and correct copy of Forensic Microscopy Results in connection with the Expert Report of S. Mattingly, produced in this case.

18. Annexed hereto as "Exhibit 18" is a true and correct copy of Borough of Carteret Map, produced in this case.

19. Annexed hereto as "Exhibit 19" is a true and correct copy of soil sampling data tables produced in this case, undated.

20. Annexed hereto as "Exhibit 20" is a true and correct copy of Deposition (excerpts) of Defendants' Expert L. Szegedi, Aug. 14, 2019, in this case.

21. Annexed hereto as "Exhibit 21" is a true and correct copy of "Distribution of Soil Lead in the Nation's Housing Stock," USEPA, 1996, produced in this case.

22. Annexed hereto as "Exhibit 22" is a true and correct copy of the Transcript

of the F.R.C.P. 30(b)(6) Deposition of ARCADIS (L. Szegedi), Nov. 28, 2018, in this case.

23. Annexed hereto as "Exhibit 23" is a true and correct copy of Deposition (excerpts) of Plaintiffs' Expert George Flowers, Ph.D., June 14, 2019, produced in this case.

24. Annexed hereto as "Exhibit 24" is a true and correct copy of Deposition (excerpts) of Plaintiffs' Expert David Sullivan, June 11, 2019, produced in this case.

25. Annexed hereto as "Exhibit 25" is a true and correct copy of an article entitled "Extent, Characterization, and Sources of Lead Contamination in Small-Urban Residential Neighborhoods," June 25, 2014, produced in this case.

26. Annexed hereto as "Exhibit 26" is a true and correct copy of Off-Site area of Concern Remedial Investigation Report," ARCADIS, May 2016, produced in this case.

27. Annexed hereto as "Exhibit 27" is a true and correct copy of Deposition (excerpts) of Plaintiffs' Expert Paul Rosenfeld, Ph.D., June 7, 2019, produced in this case.

28. Annexed hereto as "Exhibit 28" is a true and correct copy of the *Curriculum Vitae* of Joel D. Blum, Ph.D., dated January 2019, produced in this case.

29. Annexed hereto as "Exhibit 29" is a true and correct copy of Deposition (excerpts) of Plaintiffs' Expert Joel D. Blum, Ph.D., dated June 4, 2019, produced in this case.

30. Annexed hereto as "Exhibit 30" is a true and correct copy of Deposition (excerpts) of Defendants' Expert Shahrokh Rouhani, dated August 2, 2019, produced in this case.

31. Annexed hereto as "Exhibit 31" is a true and correct copy of Deposition (excerpts) of Defendants' Expert John A. Zennario, dated August 30, 2019, in this case.

32. Annexed hereto as "Exhibit 32" is a true and correct copy of Deposition (excerpts) of Defendants' Expert Trevor E. Phillips, September 11, 2019, in this case.

33. Annexed hereto as "Exhibit 33" is a true and correct copy of Deposition

(excerpts) of Plaintiffs' Expert Jeffrey E. Zabel, Ph.D., June 4, 2019, in this case.

34. Annexed hereto as "Exhibit 34" is a true and correct copy of Deposition (excerpts) of Defendants' Expert Barbara Beck, Ph.D., August 15, 2019, in this case.

Dated: January 13, 2020

By: /s/ Steven J. German

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